

**REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and following discussion, is respectfully requested.

Claims 1, 3-45 and 47-55 are pending in this application. Claims 1, 3, 5, 7 and 44 are amended. Claims 4, 7-15, 19-43 and 47-55 are withdrawn from consideration. Claims 2 and 46 are cancelled by this amendment.

Applicants note with appreciation the Examiner's indication that certified copies of all priority documents have been received by the USPTO and the Examiner's indication that all references filed in the Information Disclosure Statements have been considered.

Applicants respectfully note that the present Office Action does not indicate that the drawings have been accepted by the USPTO. Applicants respectfully request that the Examiner's next communication include an indication as to the acceptability of the filed drawings or as to any perceived deficiencies so that the Applicants may have a full and fair opportunity to submit appropriate amendments and/or corrections to the drawings.

**Telephone Interview**

A telephone interview between Applicants' Representative, Mr. Scott Elchert, Reg. No. 55,149, and Examiner Pham was conducted on September 27, 2006. During the telephone interview, Applicants' Representative explained the Applicants' position that Chang et al. (U.S. Patent No. 6,025,247, herein Chang) at least fails to disclose, teach or suggest "forming a plurality of bit lines on the first insulating layer, each of the plurality of bit lines including at least one bit line layer; forming an oxidation preventing layer over substantially the entire surface of the bit lines, the oxidation preventing layer arranged to contact all of the at least one

bit line layers.” Examiner Pham indicated he understood the Applicants position. However, Examiner Pham indicated that he was considering the combination of spacers 314 and the silicon nitride layer 315 shown in FIG. 3(g) of Chang as the oxidation preventing layer. Examiner Pham did however agree that amending claim 1 to incorporate the features of dependent claim 2 would overcome the rejection of claim 1 under 35 U.S.C. §103(a) as unpatentable over the Examiner alleged Applicant Admitted Prior Art (Fig. 1, pages 1-2) in view of Chang.

While the Applicants disagree with the Examiner’s assertion that the spacers 314 may be considered in conjunction with the silicon nitride layer 315 to form an oxidation preventing layer, Applicants have amended the features of dependent claim 2 into amended independent claim 1 to expedite prosecution. Independent claim 44 has been similarly amended for similar reasons.

### **Claim Rejections Under 35 U.S.C. § 103**

#### **Claims 1, 2, 16-18 and 44-46**

Claims 1, 2, 16-18 and 44-46 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the Examiner indicated Applicant Admitted Prior Art (Fig. 1, pages 1-2) in view of Chang. The Applicants respectfully traverse this rejection for the reasons detailed below.

Amended independent claim 1 is amended to recite, *inter alia*, “forming a plurality of bit lines on the first insulating layer, **each of the plurality of bit lines including at least one bit line layer**; forming an oxidation preventing layer over substantially the entire surface of the bit lines, **the oxidation preventing layer arranged to contact all of the at least one bit line layers, ..., wherein the oxidation preventing layer is a nitride layer.**”

Chang as illustrated in Fig. 3(g) describes forming a silicon nitride layer 315 on a bit line structure 313 and the silicon dioxide spacers 314 arranged adjacent to the bit line structure 313. As indicated above, Examiner Pham has taken the position that the silicon dioxide spacers 314 and the silicon nitride layer 315 may be used to reject the oxidation preventing layer.

However, amended independent claims 1 and 44 both indicate that the oxidation preventing layer is a nitride layer, thereby overcoming the Examiner's interpretation of Chang at least because the spacers 314 are silicon dioxide instead of nitride.

In light of the above, Applicants respectfully request that the rejection of independent claims 1 and 44, and claims 16-18 and 46 depending therefrom, under 35 U.S.C. § 103(a) be withdrawn.

Claims 3, 5, and 6

Claims 3, 5 and 6 stand rejected under 35 U.S.C. § 103(a) as unpatentable over the Examiner alleged Applicant Admitted Prior Art in view of Chang as applied to claims 1 and 2 above, and further in view of Lu et al. (U.S. Patent No. 5, 595,928, herein Lu). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully submit that Lu fails to cure the deficiencies of Chang as described above with respect to amended independent claims 1 and 44.

Lu describes a silicon nitride layer 26 arranged on the gate electrode 16 and the sidewall spacers 22 adjacent to the side surfaces of the gate electrode 16. In Lu, the nitride layer 26 fails to contact the layer 16 and the spacers are not nitride.

Accordingly, Applicants respectfully submit that Lu also fails to disclose, teach or suggest "forming an oxidation preventing layer over substantially the entire surface of the bit

lines, the oxidation preventing layer arranged to contact all of the at least one bit line layers, ..., wherein the oxidation preventing layer is a nitride layer” as recited in amended claim 1.

Therefore, Applicants respectfully submit that claims 3, 5 and 6 are allowable over the Examiner alleged Applicant Admitted Prior Art, Chang, and Lu, either alone or in any proper combination, for at least the same reasons as discussed above with respect to independent claims 1.

Therefore, Applicants respectfully request that the rejection of claims 3, 5 and 6 under 35 U.S.C. § 103(a) be withdrawn.

#### **Withdrawn Claims**

Applicants respectfully submit that amended independent claims 1 and 44 are generic to at least claims 3-18, 45 and 47-49. Accordingly, if amended independent claims 1 and 44 are allowed, Applicants respectfully submit that at least withdrawn claims 4, 7-15 and 47-49 should be rejoined and allowed. Further, Applicants reserve the right to file one or more divisional applications directed to any claims that are not rejoined prior to allowance of this application.

#### **CONCLUSION**

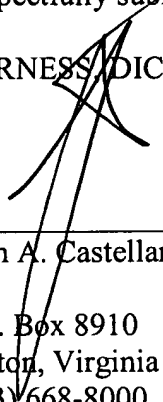
Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of the pending claims, which do not remain withdrawn, of the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By   
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